

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

SHANNON LORI LEE : CHAPTER 13
: CASE NO.: 16-56291-PMB
Debtor. :
: :

**MOTION TO EXCUSE DELINQUENCY OF \$6937.00 WITH MATCHING
REDUCTION IN BASE**

COMES NOW THE DEBTOR, SHANNON LORI LEE, in the above-styled Chapter 13 case, by and through counsel, and files this "Motion to Excuse Delinquency o \$6937.00 WITH MATCHING REDUCTION IN BASE" ("Motion"), showing to this Court the following:

1.

This Court has jurisdiction in this matter pursuant to 28 U.S.C. Section 1334, 28 U.S.C. Section 151, and 28 U.S.C. Section 157.

2.

This Court is the proper venue for this matter pursuant to 28 U.S.C. Section 1409.

3.

This matter is a core proceeding within the contemplation of 28 U.S.C. Section 157.

4.

Debtor filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code on April 8, 2016. Debtor's Chapter 13 Plan was confirmed by this Court on July 14, 2016.

5.

Debtor's confirmed plan includes a step increase of \$1,116.00 to have gone into effect February 2018 upon the completion of her non filing spouse's ("NFS") own separate Chapter 13 bankruptcy completed. The NFS Chapter 13 bankruptcy did complete, however, upon completion the NFS took out two loans for business equipment to further his business. One loan for \$933.00 per month will end May 2021, and the second loan for \$758.00 per month end May 2022. Both of the loans end after the 60th month of Debtor's bankruptcy.

6.

Debtor has filed a Chapter 13 Post Confirmation plan modification. (Doc.34) The Modification will allow the case to pay out in the time remaining in the case. Debtor has also filed updated Schedules I and J to support the Modification and this Motion. (Doc.35)

7.

Debtor asks the court to excuse the delinquency that incurred from February 2018 through August 2018 totaling \$6,937.00. In addition, Debtor asks that the base be reduced accordingly.

WHEREFORE, Debtor prays:

- (a) That this Motion to be filed, read, and considered;
- (b) That this Honorable Court grant this Motion; and,
- (c) That this Honorable Court grant such further relief as it may deem just and

proper.

Respectfully submitted,

/s/
Howard Slomka
Georgia Bar # 652875
Slipakoff and Slomka, P.C.
Attorney for Debtor
Overlook III
2859 Paces Ferry Rd, SE, Suite 1700
Atlanta, GA 30339

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NOTICE OF HEARING

PLEASE TAKE NOTICE that ASHLIE LYNN SAYLORS has filed a Motion to Suspend Plan Payments for November and December 2017 and related papers with the Court seeking an Order on the Motion.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion to Suspend Plan Payments in Courtroom 1202, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia at 9:45 A.M. on August 30, 2018.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your view, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

[DATE & SIGNATURE ON FOLLOWING PAGE]

Dated: July 30, 2018

/s/

Howard Slomka
Georgia Bar # 652875
Slipakoff and Slomka, P.C.
Attorney for Debtor
Overlook III
2859 Paces Ferry Rd, SE
Suite 1700
Atlanta, GA 30339

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing MOTION TO EXCUSE DELINQUENCY OF \$6937 AND MATACHING REDUCTION IN BASE AND NOTICE OF HEARING in the above styled case by depositing same in the United States mail with the adequate postage affixed thereto to insure delivery addressed as follows:

Melissa Davey (served via ECF)
Chapter 13 Trustee
Suite 200
260 Peachtree Street
Atlanta, GA 30303

Shannon Lori Lee
PO Box 533
Kennesaw, GA 30156

SEE ATTACHED FOR ADDITIONAL LIST OF CREDITORS

Dated: July 30, 2018

_____/s/_____

Howard Slomka
Georgia Bar # 652875
Slipakoff and Slomka, P.C.
Attorney for Debtor
Overlook III
2859 Paces Ferry Rd, SE
Suite 1700
Atlanta, GA 30339

Label Matrix for local noticing

113E-1

Case 16-56291-pmb

Northern District of Georgia

Atlanta

Mon Jul 30 09:39:43 EDT 2018

Capital One Auto Finance

7933 Preston Rd

Plano, TX 75024-2302

Capital One

Attn: Bankruptcy

Po Box 30285

Salt Lake City, UT 84130-0285

Capital One Auto Finance

4515 N Santa Fe Ave. Dept. APS

Oklahoma City, OK 73118-7901

Capital One Auto Finance c/o AIS

Portfolio Services, LP f/k/a AIS Data

Services d/b/a/ Ascension Capital Group

4515 N Santa Fe Ave. Dept. APS

Oklahoma City, OK 73118-7901

Capital One Auto Finance, a division of Capi

c/o AIS Portfolio Services LP et al

4515 N Santa Fe Ave Dept APS

Oklahoma City, OK 73118-7901

Capital One Bank (USA), N.A.

PO Box 71083

Charlotte, NC 28272-1083

Credit One Bank Na

Po Box 98873

Las Vegas, NV 89193-8873

Melissa J. Davey

Melissa J. Davey, Standing Ch 13 Trustee

Suite 200

260 Peachtree Street, NW

Atlanta, GA 30303-1236

ERC/Enhanced Recovery Corp

8014 Bayberry Rd

Jacksonville, FL 32256-7412

Frost Arnett Company

PO Box 198988

Nashville, TN 37219-8988

(p)GEORGIA DEPARTMENT OF REVENUE

COMPLIANCE DIVISION

ARCS BANKRUPTCY

1800 CENTURY BLVD NE SUITE 9100

ATLANTA GA 30345-3202

IC Systems, Inc

444 Highway 96 East

Po Box 64378

St Paul, MN 55164-0378

Innovate Loan Servicing Corporation, service

6707 Brentwood Stair, Suite 610

Fort Worth, TX 76112-3368

InnovateIn

2201 Dottie Lynn P

Fort Worth, TX 76120-4432

Internal Revenue Service

PO Box 7346

Philadelphia, PA 19101-7346

Iq Data International

P.o. Box 3568

Everett, WA 98213-8568

LVNV Funding, LLC its successors and assigns

assignee of FNBM, LLC

Resurgent Capital Services

PO Box 10587

Greenville, SC 29603-0587

Shannon Lori Lee

PO Box 533

Kennesaw, GA 30156-0533

Midland Credit Management Inc.

2365 Northside Drive

Suite #300

San Diego, CA 92108-2709

Northside Hospital

1100 Johnson Ferry Road

Suite 760

Atlanta, GA 30342-1743

Northside Marietta Imaging

780 Canton Road NE

Marietta, GA 30060-7241

Howard P. Slomka

Slipakoff & Slomka, PC

Overlook III - Suite 1700

2859 Paces Ferry Rd, SE

Atlanta, GA 30339-6213

U. S. Attorney

600 Richard B. Russell Bldg.

75 Ted Turner Drive, SW

Atlanta GA 30303-3315

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Georgia Department of Revenue

1800 Century Blvd

Suite 17200

Atlanta, GA 30345

End of Label Matrix

Mailable recipients 23

Bypassed recipients 0

Total 23